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COMMITTEE ON EDUCATION
February 14, 2006
LB 1204, 987, 1090, 1213, 1194
Confirmation Hearing

The Committee on Education met at 1:30 p.m. on Tuesday, February 14, 2006, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB 1204, LB 987, LB 1090, LB 1213, LB 1194, and a gubernatorial appointment. Senators present: Ron Raikes, Chairperson; Dennis Byars, Vice Chairperson; Patrick Bourne; Gwen Howard; Gail Kopplin; Vickie McDonald; Ed Schrock; and Elaine Stuhr. Senators absent: None.

SENATOR RAIKES: Good afternoon and welcome to this hearing of the Education Committee of the Nebraska Legislature. Welcome, and we're pleased you're here. We have this afternoon a confirmation hearing for an appointment to the Postsecondary Coordinating Commission, and we will also hear five bills listed on the outside of the hearing room and in that order. We'll begin with the confirmation hearing and then move to the bills. I'll introduce the committee (laughter). Here, we're picking up speed. Look at this. Soon will be Senator Pat Bourne from Omaha. We have Senator Gail Kopplin, Gretna. Now being seated is Senator Elaine Stuhr from Bradshaw. Tammy Barry is our legal counsel. I'm Ron Raikes, District 25. Senator Dennis Byars is our committee Vice Chair. Senator Vickie McDonald is from St. Paul, Nebraska; Senator Gwen Howard from Omaha; and Senator Ed Schrock from Elm Creek. And Kris Valentin is our committee clerk. Our usual procedure, we'll have an opening followed by, except in the case, I guess of the confirmation, although kind of an opening, followed by proponent testimony, opponent testimony, neutral, and then indicates the bills a close, if so desired by the introducer. We will limit testimony, hopefully, to three minutes and, again, that's for your benefit, hopefully, in making the best use of your time, so please honor that as you can. I guess the only other admonition is cell phones. Please disable those as is appropriate so they don't interrupt the hearing. With that, I think we're ready to go, and so we will begin with the confirmation hearing for Marilyn Harris to the Coordinating Commission for Postsecondary Education. Is Marilyn present? She is. Please come forward.

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CONFIRMATION HEARING ON
MARILYN HARRIS TO THE
COORDINATING COMMISSION FOR
POSTSECONDARY EDUCATION

MARILYN HARRIS: Good afternoon, Senator, committee.

SENATOR RAIKES: Good afternoon. Welcome, Marilyn.

MARILYN HARRIS: Thank you.

SENATOR RAIKES: And could you please tell us a little bit about yourself and, in particular, I think this is your first term on the Coordinating or not?

MARILYN HARRIS: (Exhibit 1) I was appointed to complete a term so I've served on the coordinating commission for about 18 months.

SENATOR RAIKES: All right.

MARILYN HARRIS: So this would be first full term.

SENATOR RAIKES: So you can straighten me out on that. Okay. Please tell us a little bit about yourself and why you're interested in this service.

MARILYN HARRIS: Great, thank you. Well, I'm a native Nebraskan and I've gone all through the Nebraska public school system and then the University of Nebraska for three degrees. I'm a former elementary school teacher and counselor, administrator, and then was adjunct faculty at Nebraska Wesleyan prior to Governor Johanns calling and asking if I'd serve on the commission, at which point he mentioned it might be a slight conflict of interest. So, instead, I'm doing some consulting in training and development. But, as you can tell from my career, I have a passion for education for the students and for the state. And so serving on the coordinating commission has given me a chance to kind of apply all of that and so coming back now in front of the Education Committee for a full-term assignment, I had the opportunity to observe the commission at work, and we have 11 commissioners currently serving. And I came onto the commission about the time that Dr. David Powers was retiring, and went through the interviewing and

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hiring process for our new executive director. I'm quite enthused about the opportunities that the commission has in front of it, the opportunities for partnership with the sectors, the university system, the state colleges, and the community colleges, and the impact that the commission can have. As both a citizen of Nebraska and a taxpayer, I see that the commission has the opportunity to impact where our dollars go in terms of education and finding an efficient system for higher education and the opportunity also to interact with business and connect economic development and education.

SENATOR RAIKES: Okay, well, thank you very much for that comment.

MARILYN HARRIS: Um-hum.

SENATOR RAIKES: Are there questions from the committee for Marilyn? I noticed on your resume that in your professional experience about four out of the five on the first page have the name Harris in them. Are these your?

MARILYN HARRIS: Family business, Harris Laboratories, and which is now MDS Pharma Services, and the business was started by my father-in-law in the mid thirties. And I was with the company for about 13 years and was responsible for training and development worldwide. When the company was acquired in 1996 by MDS, we had locations around the world from China to northern Ireland to Europe and then across the United States. And so my responsibility was all training functions within the company so, a little bit of a connection.

SENATOR RAIKES: Okay, all right, good enough.

MARILYN HARRIS: Um-hum.

SENATOR RAIKES: Any other questions or comments? Well, thank you very much for your willingness to serve and for being here today.

MARILYN HARRIS: I appreciate it. Thank you.

SENATOR RAIKES: Is there proponent testimony for Marilyn Harris? Jerry.

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JERRY SELLENTIN: Senator Raikes, members of the Education Committee, I'm appearing in my own behalf. Jerry, J-e-r-r-y Sellentin, S-e-l-l-e-n-t-i-n, a resident of District 25. I've known Marilyn Harris for over 20 years. She's indicated her experience as an elementary school teacher, counselor, administrator, adjunct professor at Wesleyan, corporate training and development director. She's just a very outstanding person, also very active in the community. She served on a number of boards and activities of that nature. She has high standards, capable leadership, strong financial focus, and I would encourage you to confirm her appointment to the postsecondary commission. I welcome your questions.

SENATOR RAIKES: Okay, thank you very much, Jerry. Any questions for Jerry?

JERRY SELLENTIN: Thank you.

SENATOR RAIKES: Again, thank you for being here. Any other proponent testimony for Marilyn Harris? Opponent testimony? Neutral testimony? Okay, that will close the confirmation hearing for Marilyn Harris for the Coordinating Commission for Postsecondary Education. And we'll now turn to the introduction of LB 1204 and Senator Dwite Pedersen. Welcome, sir.

LB 1204

SENATOR Dw. PEDERSEN: Thank you, Senator Raikes. My one and only bill in Education this year, so I ask you to be kind to me (laughter) or I'll bring you more bills next year (laugh).

SENATOR RAIKES: (Laughter) That's a substantial threat. We'll probably honor that one.

SENATOR Dw. PEDERSEN: Good afternoon, Senator Raikes and members of the Education Committee. For the record, I am Senator Dwite Pedersen representing the 39th Legislative District, and I'm here today to introduce to you LB 1204. LB 1204 establishes a method of reimbursement for special education services. While I'm certainly no expert in the

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special education area, I do understand that there is a wide range of special needs among the children who qualify for special education. There are also many different educational environments, offering education and training to those special needs students. It is my understanding that there are programs that emphasize an inclusion philosophy for their students, those that have a more developed program for severe and profound needs. Others that specialize in behavior disorders and ones that deal more effectively with those identified as having mild to moderate needs. Some schools offer vocational development work programs; others don't. As the members of this committee are well aware, there is no one program that is going to meet the needs of all special education students. This bill establishes a method of reimbursement for special education services that allows parents to request an education match certificate. This match certificate would be an amount equal to 70 percent of the reimbursable amount for services available under the Special Education Act for special education and related services. These education match certificates would be issued to the parent or guardian of a child with a disability. It could be used for payment to any program chosen by the parent or guardian that provides special education and related services to a child with a disability that they believe meets the requirements of the child. Individualized education plan: It also provides for the parent or guardian to seek external review of any decision denying the application for the education match certificate. This bill was brought to me by a constituent who will be following with his testimony and much greater personal knowledge of this issue. If you have any questions for me, I'd be glad to try and answer them for you.

SENATOR RAIKES: Thank you, Senator. Questions? Senator Howard.

SENATOR HOWARD: Just so I would understand. If you had a child with a disability or a special need and, for example, if the Madonna School could provide for that child, would you be able to take the certificate to Madonna School? Is that how it would work?

SENATOR DW. PEDERSEN: That's what this is about exactly, Senator Howard.

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SENATOR HOWARD: Okay, okay. Thank you.

SENATOR RAIKES: Any other questions? Senator Stuhr.

SENATOR STUHR: Yes, Senator Pedersen. Do you know if there are any other states that do something similar to this?

SENATOR DW. PEDERSEN: That I did not research.

SENATOR STUHR: Okay. Thank you.

SENATOR RAIKES: Okay. Thank you, Senator. Are you going to stick around?

SENATOR DW. PEDERSEN: You bet.

SENATOR RAIKES: Good. First proponent, LB 1204. Do we have other proponents? Please come on up to the front. Yes, sir.

ROBERT KRIST: I don't want to scare away Senator Bourne. My name is Robert Krist, K-r-i-s-t, and I bring to you just a few minutes of personal experience and some advocacy for those people who speak very softly and are not heard themselves and that's the people with special need. My daughter is 21 years old, and this particular bill is not going to help her. But I feel very strongly about my experiences and the experiences of other families presently. You asked the question if other states actually do this. Yes, ma'am, they do. This state does it. It's called a contract. If I present that my daughter, which Courtney was, not being taken care of properly within a school district, and I want to present my case and say that her IEPs were, her individual assessments were going down slowly over the years, and I needed to get her more help, I was denied the contract payment to take her to another district to help her out. We are lucky enough that we were able to pay for that education ourself in an alternative, first in another district, and then in private school. I think that the gatekeeper who, in this point, is the district themselves were reluctant to let loose of the money to take care of my daughter in an environment where she could have been taken care of much better. I don't propose to be an expert on special education, but I can tell you what my daughter's individual assessments were and what the IEPs

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told me. And it told me that time was being lost, and when you lose time educating a special needs individual, it's time you may never recover. We needed a social environment and an academic environment, that would allow her to go from infancy to independence, as far into that independence as possible. Obviously, she'll never live by herself or deal with things that we deal with on a daily basis, but she's better now than she ever has been in the system that she's in. I'll say this about this particular bill. There are so many parents out there that are looking for help within the district and the district says, no, we're not going to let you out and the parent feels helpless, and the only thing that they're able to do is advocate either by taking money out of their own pocket or continue to bring a lawyer involved, and that's not the way we should be dealing with these special needs. Thank you for your time. I think...

SENATOR RAIKES: Okay. Thank you for your testimony. Questions? So that I understand, in your particular experience, you had your daughter in a public school, and you weren't satisfied that their program for serving her was what was needed?

ROBERT KRIST: The standard of progress, the IEP reports continually showed us regression rather than progression and we wanted to make a positive change. But they told us that they were taken care of in a minimum way, and that they were providing services that would be required. We were not happy with that as their legal guardians and her parents.

SENATOR RAIKES: So, your option in that situation was to move to another public school? Was that the one you were interested in or what?

ROBERT KRIST: We could have moved physically into another district, but in our particular case and with her needs, we wanted to take her into a different kind of a situation. My daughter is borderline moderate, so she needed some extra help. We chose to go private and pay the tuition out of our pocket as opposed to physically moving the rest of our family to another location.

SENATOR RAIKES: Okay. I don't see any other questions, but thank you for being here.

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ROBERT KRIST: Thank you.

SENATOR RAIKES: Next proponent.

DANIEL MALONE: Good afternoon. My name is Daniel Malone, M-a-l-o-n-e, and I want to thank you, Senator Raikes, and the rest of the members of the Education Committee to have this hearing. And I'll be considerate of your time. I am here today just to give you a couple of minutes in the life of a special needs teenager who happens to be in my family, and his name is Timothy. And Tim is like a lot of teenagers; he's got two older brothers and six older sisters so he's been around a lot of young people, and he likes to wear his hat backward and play his music too loud. He also loves basketball and the other night at a particular basketball game, he signalled to me at halftime that he wanted to go to the bathroom, which is perfectly what he does, and so off he went. But when he came back, he had a hot dog. Now, that doesn't sound like a monumental thing to all of you, perhaps, but you have to understand, Tim doesn't speak. Tim doesn't hear very well. And he doesn't know how to count money, and he certainly doesn't know how to read a menu board. So if you can just for a moment freeze frame with me and get in the line at the concessionaire stand and be Tim, and knowing that you're going to soon get up to the front and try to explain what you want, not knowing what it costs and not knowing how many dollars to pull out of your billfold, which he's always packing \$6 or \$7 bills, and then how much change to receive, and try to do all of that without feeling intimidated or made fun of which is very critical for all of us, particularly teenagers. Timothy has progressed dramatically in the last year because he is in a different provider than he was prior to that time. Prior to that time, I have no beef with the provider that he was in in the public system, nice people and good ideas. Their ideas was an "inclusionist" idea; that's their curriculum. That's what's offered. That's all that's available if Timothy stays in that program. Now, if you can again, get into the mind of a 13- or 14-year-old boy going to junior high, the "inclusionist" curriculum requires him to go in the front door and instead of taking a right-hand turn to a special education class where he finds some safe harbor, he has to take a left-hand turn and go down and join the regular eighth or ninth grade class for initial announcements and for the start of the day. Now, if you can

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walk into that classroom, and I know all of you spent a year being 14 and think of wearing Coke bottle hearing aids, not being able to talk, signing like crazy but nobody else does, wondering whether your cargo pants are as neat as the next guy's, it had to be a terrifying time for him. While he was in this environment, Timothy withdrew; he got hostile; he got introverted, and he certainly wasn't expressing himself to whatever potential God has given him. So, again, we have removed him, not unhappy with their program, it just didn't fit him. And we knew that; it was clear to us. It was clear to his teacher. She recommended that we take him. So we did. We moved him. He's improved, and I guess I'd like to see LB 1204 give parents of special needs kids an opportunity to pick the best provider for their child.

SENATOR RAIKES: Okay. Thank you, Daniel. Questions for Daniel? Senator McDonald, go ahead.

SENATOR McDONALD: Well, did you put him in a different school situation or a private provider?

DANIEL MALONE: I did. I had to take him to a private school where they have all special ed teachers and they have a living classroom where they go in and learn how to run the dishwasher and make macaroni and get confidence to go buy a hot dog. For my son, it's a great match. It doesn't mean everybody. You know what? If they had the choice, stay put, but if it isn't a good choice, boy, you got to move them because, as Mr. Krist pointed out, time is critical for these kids.

SENATOR RAIKES: Okay, any other questions? Thank you very much for your testimony.

DANIEL MALONE: Thank you very much.

SENATOR RAIKES: Any other proponents, LB 1204? Are there opponents? Okay.

JAY SEARS: Good afternoon, Senator Raikes, members of the Education Committee. My name is Jay Sears, S-e-a-r-s, and I work for the Nebraska State Education Association, and the NSEA is opposed to LB 1204. I believe we have in place guidelines and processes to make sure that children get the education they need. As you read through the bill, the word

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that's missing in this bill is voucher. It's a voucher bill. It gives parents public education dollars to take wherever they want to go without any qualifications, any accountability, as we have in the public school process, and so that's why NSEA is opposed to LB 1204. I want to share with you from my experience, I am a special educator. I spent 12 years in the Seward public schools before I became a union employee and worked for the teachers. And in Seward, Nebraska, way back in the early eighties when the individuals with Disabilities Education Act changed and required that students be put in the least restrictive environment, the Seward public schools and the Seward district decided that it would be time to bring back their special ed students and provide the types of education that these two men are talking about. At the time, our special ed students in our community were housed at Hayward school, where all of the students were special ed. They were learning to cope with the environment, learning to work and do that, but we realized in the Seward community that it was important that our kids be in the Seward community because that's where they were going to live and work and we began to start that program in Seward. And that program is still going on in the Seward public schools. I understand that you have before you a couple of bills that would take care of some of those extreme costs, and that may be one of the reasons districts are reluctant to provide all of the programs that children need. But I think the guidelines and rules and regulations under which we operate in public schools and provide special education services today works. It takes care of and is accountable for the public's dollars as we use them for the education of children. That concludes my testimony. I'll be glad to answer any questions. Thank you.

SENATOR RAIKES: Thank you, Jay. Questions? I gather from your testimony that the voucher notion certainly is not something that the NSEA is comfortable with. But you also were talking about the inclusion philosophy for instructing special ed or special needs kids as being the preferred approach.

JAY SEARS: Yes. It's...

SENATOR RAIKES: Does that work in every instance?

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JAY SEARS: No, it doesn't work in every instance, and I think you have to look at when you sit down and write an individual education plan for a child, that's when professionals and parents and the student, if they're capable, and any other advisors, sit down and talk about what's the best placement. And if you can't find that in that school district, we have option enrollment. There are all kinds of school districts. It may be difficult for some in some districts to do that.

SENATOR RAIKES: And also, just to pick up on that, we do, in some cases, use the services of nonpublic school providers...

JAY SEARS: Yes, we do, yes.

SENATOR RAIKES: ...for kids.

JAY SEARS: That's correct.

SENATOR RAIKES: So, but we're crossing a...

JAY SEARS: There's no limitation on doing that, no.

SENATOR RAIKES: Okay, so that doesn't concern you.

JAY SEARS: No, that doesn't concern me.

SENATOR RAIKES: Okay, all right. Any other questions? Thank you, Jay.

MIKE DULANEY: Members of the committee, my name is Mike Dulaney, D-u-l-a-n-e-y, and I represent the Nebraska Council School Administrators. I'm also here representing the Nebraska Association of Special Ed Supervisors, which is one of our affiliate associations. We oppose LB 1204. We feel that this is an issue of accountability and the state, in particular, should be concerned about accountability of its funds that it appropriates for special education services. And so, that's what we feel. We also think the bill maybe writes a bit of an open check for those parents that opt to use a certificate, I believe is the terminology used in the bill, for whatever they choose, and that might be a little bit too open-ended. We endorse the current cost reimbursement system. We would love to have that fully

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funded. We know how much of a financial burden that would be upon you. But we think that the current system is the best that we can hope for at this time. So, we stand in opposition to LB 1204.

SENATOR RAIKES: Okay. Thank you. Senator Bourne has a question.

SENATOR BOURNE: Thank you. When you went to Senator Pedersen and told him you were opposed to the bill, did he commit to working with you on it or?

MIKE DULANEY: We have not approached Senator Pedersen about working with him on the bill.

SENATOR BOURNE: So...

MIKE DULANEY: We're just standing in opposition.

SENATOR BOURNE: ...so you did not extend the courtesy to Senator Pedersen that you were opposed to the bill before you came in here and testified?

MIKE DULANEY: No, we did not.

SENATOR RAIKES: Other...yeah, Senator McDonald.

SENATOR McDONALD: In school finance, schools get more money for special ed students. Is that correct?

MIKE DULANEY: It...

SENATOR McDONALD: If they have special ed, do they get more money for those students?

MIKE DULANEY: It's a separate appropriation that the Legislature makes for special education and it funnels through a cost reimbursement system, correct. It's a year in arrears reimbursement.

SENATOR McDONALD: And how does one know whether those funds that are meant for special ed get to special ed? Is there any accountability in all that?

MIKE DULANEY: Well, there is. I think somebody from the

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department probably would be able to better answer that for you, Senator McDonald. I think that they do have a system whereby they're keeping track of the expenses and what the costs were and what the services were provided and so on. And, of course, the IEP does contain the services that are necessary for that particular student and so, as far as exact accountability, I think probably be best served to ask somebody from the department, but there is a system in place.

SENATOR McDONALD: Thank you.

SENATOR RAIKES: Any other questions? When you mention accountability, is your concern that somebody, a parent, for example, might take the money, the 70 percent of the amount and not provide the educational services or?

MIKE DULANEY: No, we're not thinking fraud or misuse of, but so much as that it would...they could go to anybody they wish, and we're not convinced that every parent, and I'm sure the two parents that appear before you today are well acquainted with special ed services. But we're not convinced that every special ed parent would know exactly what's best for their child. And would be maybe in a position of making unprofessional judgment on behalf of their student, maybe even against the best judgment of the school district or the ESU providing those services. So we kind of feel that the best idea is to leave it to the professionals at the school district level that would have that information and knowledge base to suggest the services necessary. And so that's what we're advocating.

SENATOR RAIKES: Okay.

SENATOR BOURNE: (Laugh) I can tell you what I think is unprofessional here. I'm really kind of tired of the lobby doing this, not...this is supposed to be a process where people work together to solve the state's problems. And I'm just really getting frustrated and you're getting the brunt of this, but it's not just you. I'm really getting frustrated at these lobbyists coming in here and not speaking to the introducer of the bill, not extending the common decency or respect to talk to these individuals to tell them, hey, that we have some problems. Can we work this out? You know, and, again, you're getting the brunt of

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this, but it's just...

MIKE DULANEY: Yeah.

SENATOR BOURNE: ...we are deteriorating here in the Legislature and there's no decorum...

MIKE DULANEY: Sure.

SENATOR BOURNE: ...any longer...

MIKE DULANEY: I appreciate that, Senator...

SENATOR BOURNE: ...and I think it's really inappropriate that you didn't talk to him.

MIKE DULANEY: ...I do appreciate that. I do appreciate that, but I want to let you know, we were never contacted by Senator Pedersen either so, you know...

SENATOR BOURNE: You've got the rules reversed and that's the problem.

MIKE DULANEY: Yeah. Well,...

SENATOR BOURNE: He is the senator. He is bringing the ideas on behalf of his constituents...

MIKE DULANEY: Yeah, yeah.

SENATOR BOURNE: ...and the obligation is on you then to go to him and extend the common courtesy to him and say, I'm opposed to your bill. Here's why. What can we do? And this breaking down throughout this Legislature. That's...

MIKE DULANEY: Right. I...

SENATOR BOURNE: ...there's no question on the table.

MIKE DULANEY: Okay.

SENATOR RAIKES: Okay, thank you.

MIKE DULANEY: Thank you.

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SENATOR RAIKES: Any other opponents, LB 1204?

BRIAN HALE: Senator Raikes, members of the committee, my name is Brian Hale, H-a-l-e, work for the Nebraska Association of School Boards. Our concern also is really the funding stream, how we pay for these kids and at what point does the funding go out to the parents in a manner that it come in a delayed fashion such as it does to the districts, and how districts would plan to staff for the balance of their program. I share also the thought that this notion as to whether a parent exercises this is strictly the parent's option and there's no professional consultation that's necessarily required. But if there are issues, and I know there are because no government system really works for every individual human being, that is something that we would entertain further conversation on. So with that, I'll conclude and take questions.

SENATOR RAIKES: Okay, thank you, Brian. Any questions? Thank you. Other opponents, LB 1204? Is there neutral testimony? Senator Pedersen.

SENATOR DW. PEDERSEN: Senator Raikes and members of the committee, I'll make it short. It is my understanding that special ed students are the only students that are not allowed to use the program of opting out to another school district. It is proven to me that just with the little testimony we have today that there is a critical need for us to look at this. The two people who testified in favor of the bill have been able to afford to send their children to private schools for this need. We all know that there's hundreds of people out there who cannot afford to send to a private school. I also believe that our public schools have done the best they can but are not doing the best job with working with these types of students. My daughter is a special ed teacher. She teaches in north Omaha. She cries when she talks about the needs of the children she has. She's got a police officer in her classroom to keep discipline, and then are students that are not allowed and able to opt out to another school. Some of them may need more programs than we're offering today. At the very least, we've got to put this into a study and take a look at what we can do to help because it's not...the job is not getting done, even though there are lots of people out there who are working their fingers to the bone and are willing to give.

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As the two testifiers today, they're interested in the students. Theirs they've taken care of and are taking care of. But we have to move and we have to be compassionate and do what we can to see that we can do the best job for. I know this is a short session. This bill isn't going to go anywhere this session, but let's start it. Let's turn this into a start, make a study, and see what we can do to help all the students in the state of Nebraska. Thank you.

SENATOR RAIKES: Thank you, Senator Pedersen. Questions? Let me ask you, your daughter that teaches, you said at Omaha North?

SENATOR Dw. PEDERSEN: She teaches at Monroe Junior High.

SENATOR RAIKES: Monroe Junior High. Is she in a classroom where all the students are special ed students?

SENATOR Dw. PEDERSEN: Her special ed students are behavior impaired, not the ones that the two constituents talked about.

SENATOR RAIKES: Okay.

SENATOR Dw. PEDERSEN: But that, too, is a special need that is...it's unbelievable. I work in a jail two days a week myself year around with them same kind of students in her classroom and don't make it. And we end up locking 70 percent of them up in prisons.

SENATOR RAIKES: Okay. Well, thank you again for your testimony.

SENATOR Dw. PEDERSEN: Thank you very much.

SENATOR RAIKES: That will close the hearing on LB 1204, and we'll move to LB 987 and Senator Preister.

LB 987

SENATOR PREISTER: Thank you, Chairman Raikes and members of the Education Committee. Happy Valentine's Day to you. It's nice to be with you on this nice holiday. My name is Don Preister, P-r-e-i-s-t-e-r, and I come before you today

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bringing a Valentine's gift for the teachers, or so it might seem to me. LB 987 creates the Educational Trust Fund for the purpose of providing supplemental state funding for teacher salaries. Legislature is required to annually appropriate an amount to the fund equal to the amount collected through the sales and use taxation of Internet sales of tangible personal property and services as a result of the streamlined sales and use tax agreement. And, obviously, we're not collecting those sales tax monies yet, but we have entered into the compact, and we are looking to do that. This is proactive; it's prescriptive so that when we get to that point where we're actually doing it, we've got a mechanism in place. We've got a trust fund there and that trust fund would then be a source to provide salaries that are at least in the middle of the range for teachers. Currently, our teachers are over \$8,000 less than the average for teachers in other states. We continue to be about 45th in the nation, and you'll hear that probably many times. There are some things that I would like to see Nebraska in the bottom of the pack for; other things I'd like to see them in the top. This is one that I think we should at least be in the middle, and I've provided you with the mechanism to do that. The Nebraska Department of Education would administer the fund, and they would adopt the rules and regulations to facilitate its administration. I would be happy to entertain any questions. I would like to see you give a Valentine's gift to the teachers (laughter).

SENATOR RAIKES: Thank you. Nice touch there, Senator. Senator McDonald.

SENATOR McDONALD: And I don't default what you're trying to do. I'm always curious about the listing Nebraska way down in teachers' salaries. When they do that polling, so to speak, do they just look at salaries and benefits, or do they just do salaries? I'm always curious about the hidden benefits, if those are included by some states and not others, if the criteria is all the same. Do you know?

SENATOR PREISTER: There will be other testifiers behind me who could perhaps answer more directly. There are going to be a host of variables within different states that I am not certain about. But if all of the benefits are included in the salary or how that actual number, I believe it's the

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salary and the total package, but I'm not certain. So that it would be consistent, at least in providing those numbers.

SENATOR McDONALD: And I would be curious to find out exactly what criteria they use and it's a little bit of benefit (inaudible) benefits or how they put those numbers together.

SENATOR PREISTER: Sure, and I didn't collect the data. I'm just reporting the data so I could not tell you exactly. Although it would be good for me to know since I'm using that data, so thank you.

SENATOR RAIKES: Senator Stuhr has a question for you.

SENATOR STUHR: Yes. Senator Preister, how would you disburse the money, you know, to give to the teachers? Would it be on seniority? Would it be to beginning teachers or school districts? How would you do that?

SENATOR PREISTER: That's a very appropriate question, Senator Stuhr, and I'm not addressing that. I'm leaving that to the fund administrators so that the rules and the regulations that they would put together would look at the fairest mechanism and fairest distribution. I would hope that it could be provided equally to all teachers so that everybody gets some benefit and beyond that, though, I'm not spelling it out, and I'm not directing how it would be done. I'm simply putting a marker there for when that sales tax comes in, that we've thought about our students; we've thought about our children, and we've thought about the people who spend a lot of the day with those children, helping them to grow and to lead fulfilled lives. But the specificity of that, I'm not addressing.

SENATOR STUHR: Okay. All right, thank you.

SENATOR PREISTER: But I think it is important. Thank you.

SENATOR STUHR: Yes, thank you.

SENATOR RAIKES: Anything else? Senator, I'll read you a brief summary of the NSEA's December, 2005, report. Some good news here. The salary ranking for Nebraska's teachers improved from 42nd in the nation last year to 39th this

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year. Nebraska teacher pay grew faster than the national average of 2.9 percent for Nebraska; 2.3 nationally. Only eight states grew faster than Nebraska's 2.9 percent growth rate. Nebraska's average teacher pay jumped Iowa and Kansas. Only two of our contiguous neighbors, Colorado and Wyoming, outrank us in teacher pay. News to me, too, so for your information.

SENATOR PREISTER: We're moving in a good direction...

SENATOR RAIKES: Moving, yeah. Another couple of weeks we might be number one (laughter).

SENATOR PREISTER: (Laugh) And there are people sitting in other states doing just as we are doing, using these statistics and perhaps soon we'll be back down to 40-something.

SENATOR RAIKES: Yeah, well, you're a pessimist (laughter). Senator Kopplin has a question.

SENATOR KOPPLIN: Yes, that just reminded me of something. Wasn't there a subsequent report that said the first report was in error and Nebraska did not really move?

SENATOR PREISTER: And that could well be (laughter).

SENATOR KOPPLIN: Okay (laugh). Did I do (inaudible)?

SENATOR RAIKES: For shame on you (laughter). Well, this says, February 14th. I don't know. All right.

SENATOR KOPPLIN: I'm just asking (inaudible)...

SENATOR RAIKES: Always a naysayer in the crowd (laughter). Any other questions? Thank you, Senator. Are you going to stick around?

SENATOR PREISTER: I will stay a short time, but I also need to get back to my committee so...

SENATOR RAIKES: Okay.

SENATOR PREISTER: ...I may or may not close.

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SENATOR RAIKES: All right. Thank you.

SENATOR PREISTER: Thank you.

SENATOR RAIKES: Proponents, LB 987?

JESS WOLF: (Exhibit 2) Thank you, Senator Raikes and members of the Education Committee. My name is Jess Wolf, J-e-s-s W-o-l-f. As of August 1, I became the new president of the Nebraska State Education Association. Before that time, I spent 30 years in Hartington public schools, 29 of those years as a classroom teacher teaching science and the last year as a high school principal. I am pleased to be here today to register NSEA's support for LB 987, and I would like to thank Senator Preister for introducing this legislation. LB 987 establishes an educational trust fund not unlike what we currently have for roads in Nebraska. LB 987 would dedicate state sales and use tax revenues collected from Internet sales to an educational trust fund to be used to increase the average salary of teachers in the state of Nebraska. I want to highlight a few facts about teachers' salaries in Nebraska and in light of the comments in the last one, these might be somewhat interesting. The average salary of the Nebraska teacher is \$8,300 below the national average. Nebraska teachers with a B.A. degree make nearly \$12,000 less than employees in Nebraska with a B.A. degree in other fields. The average national starting salary for teachers is \$29,733. Starting salaries for other recent graduates with B.A. degrees are \$38,775 for registered nursing majors; \$41,039 for public accounting majors; and \$53,729 for software development majors. We have \$10,000 starting teacher salary gap across the state, as the map that's included in your packet clearly indicates. Thirty-eight percent of our teachers in Nebraska, that's roughly 7,800 teachers, will be eligible for retirement in the next five years. To ensure Nebraska can recruit and retain quality teachers, we need to start closing the salary gap I just described to you. Earmarking Internet sales tax revenues now would help establish that goal. Establishing an educational trust fund also sends a clear message to the people in Nebraska and teachers in particular that this state values their work. There are several distinct advantages in creating an educational trust fund with Internet sales tax revenues. By earmarking funds that we believe will be growing a source of revenue that the state

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would be able to assist schools in the future. Investing this growing source of revenue in education is a good move for Nebraska's economy. Research studies confirm what we all instinctively know is true: Education is linked to economic development and growth. In fact, a study by economist Richard Sims showed an investment in K-12 education provides a greater benefit to local and state economy than would investment in anything else, including roads and even a tax cut. This legislation provides an important opportunity to address the teacher salary and teacher shortage issues in Nebraska. It does not radically differ from the Highway Trust Fund that is familiar and understood. I believe it would be difficult to argue that concrete is more important than our kids. Creating an Educational Trust Fund is about providing our kids with quality teachers and, thus, a quality education and a more vibrant economy in Nebraska. Thank you. I'm sorry I went over.

SENATOR RAIKES: Thank you, pretty close (laughter). Any questions for Jess? Let me ask you this one. In comparing teacher salaries in Nebraska to other states, are we further behind other states on the beginning salary or on the salary for an experienced teacher?

JESS WOLF: Actually, both. The average salary...

SENATOR RAIKES: We're further behind on both?

JESS WOLF: Well, okay, I guess I don't know the answer to which one we're further behind on. We are behind in both instances and the number, I believe, we are 39th on in average right now and...

SENATOR RAIKES: But you don't know whether...I notice the information here is on starting salary ranges. And, say, for experienced teachers 20 years or more or teachers that have higher degrees, do we catch up with other states for that group of teachers or not?

JESS WOLF: I don't believe we do. I don't have an actual...data in front of me that says that one way or the other, but I can try to get that for you.

SENATOR RAIKES: Okay, it would be interesting.

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JESS WOLF: Okay. Senator McDonald.

SENATOR McDONALD: In looking at your map, basically, this is starting salaries. This is actually their, without benefits...

JESS WOLF: Yes, it is. This is based on 2004-2005.

SENATOR McDONALD: Some schools, do they give additional salary with no benefits? I mean, because all benefits are not the same in all schools, is that correct?

JESS WOLF: That's correct.

SENATOR McDONALD: And do all schools offer health insurance or do some schools give them more money in lieu of health insurance?

JESS WOLF: Some schools do offer other opportunities besides health insurance...

SENATOR McDONALD: And so...

JESS WOLF: ...there are cafeteria plans that can be used for other functions.

SENATOR McDONALD: So, how do you do a map like this when really we're talking about salary with benefits, salaries without benefits? How do you put something like this together?

JESS WOLF: This one is strictly based on the salary.

SENATOR McDONALD: On salary so...

JESS WOLF: Your question to Senator Preister about our movement in terms of if you consider all of the things that are included in salaries in Nebraska, we do, in fact, come up a couple more degrees in terms of placement in states, but we're nowhere close to the national average.

SENATOR McDONALD: But we don't know if other states include the benefits either, do we?

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JESS WOLF: In the figures that we've given you, they're strictly on salaries. There are some discrepancies that take place every year. It's one of the reasons why Iowa and Kansas were ahead of us last year, I believe, and those discrepancies were taken care of. And now those three states are all pretty close together. We, in fact, are \$100 to \$200 ahead. But when you consider all of those things and there is other data out there that it does include all that information, but this one is strictly on salaries.

SENATOR RAIKES: Okay. Thank you, Jess.

JESS WOLF: Thank you.

SENATOR RAIKES: Other proponents?

MILFORD SMITH: Senator Raikes and members of the Education Committee, I am Milford Smith, S-m-i-t-h, representing NCEE, a rural school organization. I'm speaking as a proponent for this because it will increase teachers' salaries; it will not increase property tax. It will be coming from another source other than property tax is my understanding the way the bill is written into the Educational Trust Fund, but it would enhance the teachers' salaries without an increase in the property tax which is, quite frankly, in rural Nebraska becoming quite an issue between the property taxpayers and school districts. It will help curb the flow outstate of teachers to other states. It used to be within my organization that I represent, a lot of teachers would leave rural Nebraska small schools, go to larger school districts to increase their salaries. We now see a trend of people leaving the larger schools in Nebraska and going outstate of Nebraska for increased salaries. So it has become a shift of interstate people shifting, and now it's outstate shifting. It would also bring up to standard the salaries in Nebraska somewhat comparable to compensate for the responsibility and the time and the effort and the training necessary to educate the children in Nebraska. Teaching used to be a profession, but sometimes the corner mechanic downtown makes more operating on your car than the people who are educating your kids, and this is not right. I operated a school district for a number of years in southeast Nebraska, and we paid as much salary as we could without having override elections and negotiating with our staff. But I had some

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staff members on my staff that qualified for free and reduced price lunches in our school district, and that's not right. I urge passage of this bill and advancement within the Legislature on it. I'll be happy to answer questions.

SENATOR RAIKES: Thank you, Milford. Any questions? I kind of missed part of what you said about you're seeing now a movement of teachers from metropolitan areas to rural areas and...

MILFORD SMITH: There used to be a shift. If you wanted to advance your salary, you went from a rural area to a larger school to a larger school, and the salary schedules were better in the larger schools, frankly. Now, it's my understanding, we see people leaving the state, not moving from smaller to larger schools within the state, but just flat out leaving the state.

SENATOR RAIKES: Okay.

MILFORD SMITH: Particularly in many of our southern states; Arizona is really getting a lot of Nebraska graduates and teachers.

SENATOR RAIKES: But you're still seeing the movement from rural areas to urban areas within Nebraska.

MILFORD SMITH: Right. But now we're seeing also the movement from urban areas out.

SENATOR RAIKES: Okay.

MILFORD SMITH: Thank you.

SENATOR RAIKES: Thank you, Milford. Other proponents, LB 987?

MICHAEL KELSEY: Good afternoon, Senator Raikes. Happy Valentine's Day to the committee. My name is Michael Kelsey. That is K-e-l-s-e-y. I'm executive vice president of the Nebraska Cattlemen here to provide testimony in support of LB 987 and would like to begin by thanking Senator Preister for proposing a solution to a problem that has been identified to you. I won't labor too long on the aspects and will not claim to be an expert in terms of

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education, but as I would, sing the same song, third verse, in terms of property taxes. Anything we can do to see some type of property tax relief, and that includes the opportunity to not raise property taxes in order to achieve something such as raising teacher salaries, is something that the cattlemen are very, very interested in. So, we like this bill from the standpoint that it provides a revenue source for much needed, in terms of teacher salary, but it doesn't tap property taxes to do so. That is the reason we're here to support this bill. Be happy to answer any questions if I could.

SENATOR RAIKES: Thank you. You're a very consistent guy.

MICHAEL KELSEY: Thank you (laughter).

SENATOR RAIKES: All right, thanks for being here. Any other proponents, LB 987? Are there opponents? Neutral testimony? And Senator Preister is still here, and he waives. Okay. Thank you. That will close the hearing on LB 987, and we'll move to LB 1090 and our own Senator Howard.

LB 1090

SENATOR HOWARD: Well, in keeping with a Valentine theme, I kind of like that (laugh). Good afternoon, Senator Raikes and members of the Education Committee. For the record, I am Senator Gwen Howard, and I represent District 9. I am here before you today to introduce LB 1090. LB 1090 would add three in-service days paid in half-day increments to the contracts of teachers in school districts, state-operated schools, and educational service units. These are ESUs. These days would be used outside the regular school year and would give teachers additional opportunities to prepare for the beginning and the end of the school year, work on learning standards and assessments, develop curriculum, provide mentoring services, and provide students with instruction beyond the traditional school day to help students meet the more demanding academic standards. LB 1090 would enhance the effectiveness of teachers and have a positive effect on student achievement. Devoting additional time to curriculum, students and effective implementation of state standards are all ways to support

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students in achieving academic success. The cost for school districts would be included in their formula for state aid. The cost for ESUs in state-operated schools would come from General Funds. This bill was brought to me by the Nebraska State Education Association. They will provide testimony today to offer additional information regarding the need for and the benefits of LB 1090. There are some technical notes for the bill, and I am amenable to working with the committee and with NSEA to address these concerns. Our children deserve nothing less than well-trained and well-prepared professionals, and I ask your favorable consideration of LB 1090. Thank you.

SENATOR RAIKES: Thank you, Senator. Questions for Senator Howard?

SENATOR HOWARD: Good. The experts will follow me (laugh).

SENATOR RAIKES: Okay, all right. We wait. Thank you. Proponents, LB 1090?

JESS WOLF: (Exhibit 3) Senator Raikes and members of the committee, I'm Jess Wolf, still president of the NSEA. I'm here to thank Senator Howard for introducing this legislation for us. I'm not sure I'm the expert that she's asking me to be, but I'll do my best. LB 1090 will allow a teacher to extend his or her work year by three days to prepare for the beginning and the end of the school year to work for learning standards and assessments, to develop curriculum, to provide mentoring services, and to provide students with before and after school instruction or summer school instruction in order to help students meet more demanding academic standards. NSEA believes funding these extra three days for teachers will have a direct, positive effect on student achievement. Work on curriculum, additional student help, and the effective implementation of tougher state standards are an essential element in producing high levels of student achievement. Passage of this legislation would also add to the effectiveness of the new teachers because of the mentoring component. As you know, extended contracts are not a new idea. They are part of the State Board of Education's Essential Education and supported by the state board. Before that, the Nebraska Teacher Salary Task Force, created by the Legislature in 2000, recommended that the state aid formula include an

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extended teacher contract allowance to provide each school district with educational equivalent to extend the contract of every teacher for up to five days. The need for extended contracts is not new, but the need intensifies as the demands on classroom teachers grow. As I mentioned, I'm not long from the classroom, just last year, in fact. I assure you that the passage of this legislation would go a long way toward helping teachers and students do their best work. The intent is to make funding for these three extended contract days a permanent part of the state funding formula. Benjamin Franklin said, "An investment in knowledge pays the best interest." We believe that LB 1090 is a solid investment that would pay great dividends for Nebraska's children by allowing our teachers the time or to even better prepare for their teaching duties. We urge your support of this bill. Thank you.

SENATOR RAIKES: Thank you, Jess. Senator Kopplin and then Senator Schrock.

SENATOR KOPPLIN: Do you know what the range of teacher contract days is in the state now?

JESS WOLF: I don't have the actual numbers in front of me. What I recollect is that the vast majority of contracts are for 185 days. Some are as few as well, in my instance, Wynot, which is up the road, theirs was 176 days, something like that, 168 days maybe. And I believe Westside has something like 200 days of contract time.

SENATOR RAIKES: Senator Schrock.

SENATOR SCHROCK: Yes, this bill would allow three extra days? Who determined whether the teachers will get the three extra days?

JESS WOLF: Actually, it's a joint...the intended effort is to have it a joint decision between the educator themselves and the school district. In fact, it allows for some of those teachers not to be involved, particularly, those who are probably involved in summer school, et cetera, things that wouldn't have those days available to them as readily as some other people would be, but it would be a joint effort between the school district and the teacher.

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SENATOR SCHROCK: So the school district could nix it or an administrator could stop it.

JESS WOLF: Well, not completely. I mean, if the teacher says that they're not available in those times. The intended is that they're going to be offered to the teachers, the teachers (inaudible)...

SENATOR SCHROCK: But a school superintendent said, we're not...can say to the teachers, that we're not interested in this program so therefore the extra three days wouldn't be (inaudible)...

JESS WOLF: Well, I don't believe that's our intent.

SENATOR SCHROCK: But what's the bill say?

JESS WOLF: I don't honestly know, Senator. I can try to get that answer for you.

SENATOR SCHROCK: And, of course, it would be your intention that the teachers be paid extra for these three days?

JESS WOLF: At their per diem, yes.

SENATOR SCHROCK: All right, thank you.

SENATOR RAIKES: Any other questions for Jess? Thank you, sir.

JESS WOLF: All right, thank you.

SENATOR RAIKES: Other proponents, LB 1090?
Mr. Commissioner.

DOUG CHRISTENSEN: Thank you. Senator Raikes, members of the committee, I thank you for the opportunity. I'm Doug Christensen, commissioner of education. I thank you for the opportunity to speak to you about LB 1090. First...

SENATOR RAIKES: I'm going to ask you to spell, Commissioner (laughter).

DOUG CHRISTENSEN: C-h-r-i-s-t-e-n-s-e-n (laugh).

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SENATOR RAIKES: That's wrong (laughter).

DOUG CHRISTENSEN: (Exhibit 4) Yeah, that's what I was afraid of (laugh). It's phonetic. I can't help it (laugh). Now, I got to get myself back together here. First thing is a letter that's being distributed to you in support, a letter of support of LB 1090 from our state board of education signed by President Fred Meyer, and we'd like to have that be a matter of the record. I'm here speaking to you as the commissioner of education and as a professional in full support of this. In fact, this is my highest priority when we look at the work that we are doing in this state. Our policy and practice in the department is that everything we do, whether it be essential education, whether it be standards assessment accountability, or the other things that are listed in LB 1090, the classroom is at the center. The core value of what our state education system is all about is teaching and learning. The things that we do in our classrooms between teachers and students has to be what this enterprise is all about. And we simply don't invest enough time and resources and development to take full advantage of this valuable resource that we have. We've asked our teachers in Nebraska to do something no other state expects their teachers to do. And I have the opportunity to speak in just about every state of the union about our assessment system and the kinds of things that we're doing. And I run into no teachers in any state who have the level of literacy about assessment than do the teachers of Nebraska because they have to create these things. We spend less than any other state developing standards assessment and the school improvement process around it. And we need to be doing some things relative to supporting our teachers, who are developing better practices of teaching because of their development of assessment. The assessment literacy that they're developing that helps them manage and improve their own teaching. The using of information to help students immediately and not waiting until the end of the year to determine whether or not the students have made progress or should be moved on, and the use of that data from assessment to classroom, school, and district level for improvement. It seems to me it's fundamentally important in a state that ranks education so important that we must invest in our teachers to do this work by one, creating the time which this bill does; secondly, providing the training and the know-how to do this

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work which this bill does, and appropriating the funds to support both of those, and this bill does that. I enthusiastically support LB 1090.

SENATOR RAIKES: Thank you, Mr. Commissioner. Questions? The previous, some of the testifiers mentioned mentoring, but you see this as mostly to train teachers in assessment?

DOUG CHRISTENSEN: No, I think it can be any of the things that are mentioned in LB 1090, standards assessment, accountability. We started the notion of this three days of extended contract time to be dedicated to standards assessment and accountability. But as we have worked with schools and as we have matured since that proposal came out about three years ago, schools are in altogether different places, and some schools have the capacity to blend mentoring with the school improvement standards and assessment where the work that they need to do relative to extended day programs, to extended summer programs, that can be a district by district decision. We usually find that when districts spend a day doing something that they find the need to do, as this bill would provide, they'll reserve time at other times during the year to do the other work that needs to be done, so we think all of the reasons that LB 1090 is being proposed are legitimate reasons for this time as well as the money.

SENATOR RAIKES: Well, speaking of which it is \$15 million, roughly.

DOUG CHRISTENSEN: Um-hum.

SENATOR RAIKES: Okay.

DOUG CHRISTENSEN: I don't know how you could spend (laugh) \$15 million any better.

SENATOR RAIKES: Okay. I don't see any questions. Thank you, Mr. Commissioner. Other proponents, LB 1090?

BRIAN HALE: Senator Raikes, members of the committee, my name is Brian Hale and B-r-i-a-n. We'll spell both names in two testimonies. We support LB 1090. We realize that there's certainly enough work to do. Teachers work hard trying to capture the expectations of the standards and

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assessment process. A lot of times I think there are occasions where teachers have to acquire substitutes to do some of this work that then, again, reduces that contact time with the students, which is really what they're there to earn a salary about. There are challenges with this. There are a wide range of contract lengths, and where do you start and where do you end as far as extending contracts, or do you just choose a time like now and say anything above this date while there are 20-day disparities in some of the contracts and some districts are already accounting for some of this work? But, certainly, again, that shouldn't deter us from the need at hand. We certainly would be interested in a final system that has a checks and balances system so that there's an administrative sign-off on the notion that they're going to be doing work in a particular area. But, by and large, this is a good idea and the school board association is in favor. Thank you.

SENATOR RAIKES: Okay, thank you, Brian. Questions? Would it be possible under this arrangement that maybe right away or maybe over time if you look at what happens that the amount of money that came through the extra three days could, in effect, be subtracted off of the base salary compensation so that you find, more or less, teachers working for three more days for roughly what they would have?

BRIAN HALE: For the longer contracts to work 190 days and essentially the...

SENATOR RAIKES: Well, but what I'm saying is that...

BRIAN HALE: ...district being able to...

SENATOR RAIKES: ...in the negotiations or whatever, that you could say, well, you're getting this \$1,000 from this other program so, you know, instead of giving you \$1,000 increase, make it \$500.

BRIAN HALE: Well, human beings are very intelligent that way. They'll try to (laugh)...they may be tempted to attempt something like that, but I think that's the job of writing these bills to try to close...I mean, if that's your intent. But, certainly, that may accommodate some of the districts with larger term contracts than others, but that's

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the will of this body and sort of the policy decision as to where you want to go.

SENATOR RAIKES: Okay.

BRIAN HALE: And I think three days is sort of the number thrown out, if it's two or one or four, it's, you know, I say the work is there to be done, so.

SENATOR RAIKES: Okay. I see no other questions. Thank you, Brian. Other proponents, LB 1090?

MILFORD SMITH: Again, I am Milford Smith, S-m-i-t-h. I speak from some personal experience on this because I have three daughters involved in education. One of them happens to be involved in a small school in southeastern Nebraska, has 185 contract days. Their school district has chose to do all the standards and assessment in all areas as is offered in the school, not just a "core curriculum" that we've heard about, but all of the frameworks, which include the PE, the music, the social studies, the psychology, biology, and everything else. As is the case in many small schools in Nebraska, they have six preps or five preps or six preps, and then they also do extracurricular work. They're on 185-day contract, but they are also expected to do the framework and the assessments and all of the standards within the areas that they teach. If you happen to teach five science classes, then you're doing five different assessments. And you're doing it mainly on your own time. I think this bill is good. It's necessary. It helps bring about the standards and assessment that we need in Nebraska, and I'd urge you to advance this bill.

SENATOR RAIKES: Okay, thank you, Milford. Questions? Senator Stuhr's got one.

SENATOR STUHR: Yes, you talked about your one daughter. How about your other two daughters (laughter)?

MILFORD SMITH: Well, one of them teaches in a service unit as autistic coordinator under grant funds and assessments are done by the special ed teachers, not the people that she is working with. The other daughter is a professor of chemistry and physics at a college, and they're not involved with the assessments due to state standards, so.

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SENATOR STUHR: All right, thank you. Congratulations.

MILFORD SMITH: Um-hum. Oh, by the way, if I can find it, today is Valentine's Day. This is from my girlfriend...

SENATOR RAIKES: Oh.

MILFORD SMITH: ...and wife (laughter).

SENATOR RAIKES: Very good (laughter). Let the record show there was only pen there (laughter). Any other proponents, LB 1090? Are there opponents? Neutral testimony? Senator Howard, would you like to close?

SENATOR HOWARD: Thank you, sir. I think we heard some good testimony here today and certainly some room for looking at one day, two days, three days. The reason I became interested in this bill is during this time of stress for all our teachers across the state with changes coming about, I think this sends a positive message that we are interested in giving them the opportunity to do the best job they possibly can, so thank you for your consideration and your time.

SENATOR RAIKES: Thank you. I don't see any questions. Thank you, Senator. That will close the hearing on LB 1090, and we'll move to LB 1213. Senator Smith.

LB 1213

SENATOR SMITH: (Exhibits 5 and 6) Thank you, Mr. Chairman. Members of the Education Committee, for the record, my name is Adrian Smith, here to introduce LB 1213. And I have a couple handouts. Legislative Bill 1213 addresses requirements under Rules 12 and 13 of the Nebraska Department of Education that allow a child to attend an exempt school, otherwise known as a home school. Currently, in Section 79-1601, both parents or guardians are required to sign and send a statement, Form A, to the commissioner of education, enabling their child to attend a school that elects not to meet the state accreditation or approval requirements, again, i.e. home school. LB 1213 would change the requirement that both parents and guardians sign such a

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statement and allows for a single parent or guardian to sign such a statement. You'll notice, from the handouts, that my efforts are to try to make our public policy consistent, not only with other states, but with other educational institutions in our state. Very seldom, it is my understanding, are both signatures required of the parents. You'll see from the letter written from a constituent...and I guess for every bill, there is generally a story. The situation involves a biological father out of state who is not entirely uninvolved but less involved, certainly, than the very involved mother who lives in Nebraska now, and the biological father has refused to sign the waiver. It's an unfortunate situation and circumstance. It's a very high-quality situation for the child, and this would obviously require only one signature rather than two, and, I think, simply matters a lot. It's a joint custody arrangement that is antiquated, basically, given the specific relationship is my understanding, that joint custody relationship worked a long time ago. And they could go back to court and incur a great deal of expenses to change things so that the only thing needed would be this single signature because of the situation. But hopefully we can prevent that from occurring and prevent similar situations in the future. Thank you.

SENATOR RAIKES: Okay, thank you. Questions? It looks as though that would fit the situation described in this letter, but suppose you have parents who are both in the home and have a legitimate disagreement over this question. Do you just get one parent? Is that an appropriate resolution of that sort of situation?

SENATOR SMITH: That seems to be the situation relating to most other questions asked about a child's welfare, if you will. You know, growing up, I never remember needing both parents' signatures on school documents. You know, one parent's signature was certainly sufficient is my understanding. I could be wrong, and I believe that some testifiers following me will be able to perhaps address some of those, as well.

SENATOR RAIKES: Okay. Seeing no other questions, thank you.

SENATOR SMITH: Thank you.

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SENATOR RAIKES: First proponent, LB 1213.

DAVID LOSTROH: (Exhibit 7) Senator Raikes, Senator Byars, Senator Stuhr, members of the Education Committee, my name is David Lostroh, and I serve as the vice president of the Nebraska Christian Home Educators Association, an organization that advocates, encourages, and supports home education. The NCHEA is a proponent of LB 1213. We believe that LB 1213 would be very helpful to certain parents who find a difficulty in registering their intent to provide an exempt school education for their children under Rules 12 and 13, due to current statutory language that would seem to require the participation of both parents in the filing. Some of the difficult scenarios that NCHEA has encountered include the following: the father is essentially a sperm donor, is listed on the birth certificate, and the mother has no contact with the father of the child since the birth of the child; another case here, the mother and child are abandoned, again, no contact with the father with no idea where he is, so the mother can't divorce the father and get a document giving the mother sole custody; the third situation here, the father is in prison even, and thus not involved in the education of the child or children, but the mother does not have a paper giving her sole custody. In each of these cases, the essentially single parent, if you will, cannot register under Rules 12 or 13. Essentially, the mother and children are being penalized in that they would like to homeschool, but they cannot because of a situation over which they have no control. The language listed below, I won't read it, but it's the bold face there if you look at it. Basically, to file, you would have to have a judge indicating sole custody of the child, the birth certificate lists only the one parent, or a death certificate of the one parent, in order to file. If LB 1213 were to be passed, Rules 12 and 13 would be appropriately modified to reflect the change to single parent. LB 1213 would provide a much-needed remedy for those parents who currently encounter the kinds of situations mentioned earlier, by no longer requiring two parents to register, and the custodial parent, in these cases, should be able to decide. On the other end of the spectrum, consider a hypothetical case in which both parents live under the same roof. There is the possibility that under LB 1213 there might be a situation where one parent does not want to

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homeschool and the other one does, is a disagreement that does not need to be decided by government statute or department rule, nor should it be. Currently, there are public schools, private schools of various affiliations, parochial schools, and exempt schools. A disagreement between a responsible at-home father and responsible at-home mother can occur, and no doubt occurs regularly, when deciding among the first three choices. Should there be a direct or indirect statutory enforcement of the pro-public school parent's choice or the pro-private school parent's choice or the pro-parochial parent's school choice? This is something that they have to work out together and come to a conclusion, but it seems inappropriate to push for one parent or the other; they are going to have to work this out. And so I think it is obviously not the kind of thing that we would want in that case. Similarly, in that homeschooling works and is a legal means to educate children, the government should be no more involved in preferring one parent over the other regarding the exempt schools than when the parents are only considering public, private, or parochial schools. Now there are other states that have a single parent...only require one parent. There is no difficulty in these states that I have heard of, and I don't think it's a situation that is so difficult that parents are just going to have to work it out like they do all kinds of other things.

SENATOR RAIKES: Okay, thank you, David. Questions? Well, you addressed... Do you have a question?

SENATOR STUHR: I did.

SENATOR RAIKES: Please, go ahead.

SENATOR STUHR: Good to see you.

DAVID LOSTROH: Good to see you, Senator.

SENATOR STUHR: And I was wondering, have you had any specific examples...I know you've been involved in homeschooling for a number of years...that you can think of, that this might apply?

DAVID LOSTROH: Actually, the president and his wife of our organization handles most of these calls, and the examples

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that I listed I obtained from them. I personally cannot provide real specific details. But we do get phone calls from time to time of people who would really want to homeschool, but because of these kinds of situations, they are not able to. And oftentimes the mother is fairly distraught because it just doesn't seem to allow for that to happen, and yet the father oftentimes doesn't care, just doesn't want to participate, but he is not helping out either, and it really short-circuits the mother's ability to take care of the situation. As far as the other situation that you asked, Senator Raikes, I think that that's something that parents can work out; I really do. They are going to have to decide. You know, similar, if a parent wanted to send their child to a Christian school and the other parent wanted a public school, I'm sure that happens right now. And it's happened lots of times, and the parents have figured out what to do and made a decision.

SENATOR RAIKES: Well, in that situation, there is...if there are two signatures there, there is confirmation that it has been worked out. If you've only got one, do you know whether you have basically got the first one to show up or...?

DAVID LOSTROH: Well, as far as signing up, say, here in Lincoln, there are lots of public schools, and there is Lincoln Christian and other schools that are not part of the public system. Do they need to have two signatures to sign up a child for those? Other states do not require it. And I think that there are all kinds of things that parents have to deal with regarding rearing children where they have to work it through. And they are going to have to come to a conclusion, and if they don't, then it could go to court, which perhaps it does from time to time, but I think it would be an extreme rarity, otherwise we would be hearing of these things on this and other issues constantly. I think it can take care of itself, for the most part.

SENATOR RAIKES: Senator Bourne.

SENATOR BOURNE: Thank you. So you cited these three individuals, you said these three specific cases. When they asked or sent in the form to homeschool their children, were they denied the ability to do that?

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DAVID LOSTROH: In the cases that I've heard, yes. Now, the Department of Education may come in and testify and clarify some of these things. They do have a statement in here as a...let's see what it is, the statement there...

SENATOR BOURNE: So this lady...

DAVID LOSTROH: ...it includes but is not limited to. So there may be a few cases where they use some other thing besides these three. I have to admit I don't know what they might be.

SENATOR BOURNE: So this lady who used a sperm donor, when she went to homeschool her child, they said you cannot?

DAVID LOSTROH: There are cases that we've heard about where there has been resistance to that and have not been able to.

SENATOR BOURNE: To the homeschooling or the sperm donor?

DAVID LOSTROH: To file the room. Well, the sperm donor; I'm assuming this is some sort of a one-night stand thing. I don't think it...

SENATOR BOURNE: Oh, I thought she went to a clinic.

DAVID LOSTROH: Yeah. The term, essentially a sperm donor, is what is meant there.

SENATOR BOURNE: Oh, okay.

DAVID LOSTROH: So I assume that in a case of a sperm donor like you're talking about, there would be one parent on the birth certificate...

SENATOR BOURNE: Well, I don't need to...

DAVID LOSTROH: ...and then that would be handled that way.

SENATOR BOURNE: Okay. I thought your testimony indicated that she had...

DAVID LOSTROH: I am sorry I misled you.

SENATOR BOURNE: Okay.

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SENATOR RAIKES: Any other questions for David? I see none.
Thank you, David.

DAVID LOSTROH: Thank you.

SENATOR RAIKES: Any other proponents to LB 1213? Are there
opponents? Neutral testimony?

BRIAN HALSTEAD: Good afternoon, Senator Raikes and members
of the Education Committee. For the record, my name is
Brian Halstead; that's B-r-i-a-n, Halstead is
H-a-l-s-t-e-a-d. I'm here on behalf of the Department of
Education and in a neutral capacity for the very reason, I
think, that Senator Raikes, you raised. The statute uses
the plural. We assume the Legislature had a meaning for
using plural and not singular when they enacted this law
back in the 1980s, and we do find ourselves, at the
department, in those disputes where one parent wants to
claim the exempt status; the other parent disagrees with
that. And over the years we have come up with what you, I
believe, had been provided with: the language in both
Rules 12 and 13 that talk about what you need to show us.
The list is not all-inclusive, but those are the types of
areas where we have had the most contact by people. I don't
have the handout so I can't respond to the sperm donor one,
or the other examples that were given. I know the one
individual, I believe the woman and the father did go to
court, and the court ordered joint custody, for whatever
reason. I have no idea why the court decided joint custody,
but that is certainly something we believe the courts have a
better way of dealing with than us at the Department of
Education. We don't have the abilities here in Nebraska.
The district court would handle paternity and divorce.
Guardianships would be in the county court. We believe the
judges, in that process, recognizing that may be a cost and
a time that the parent will have to address that. But
obviously I think, Senator Raikes, your initial questions
about one parent choosing and the other objecting, if we
allow one parent to do that you certainly will understand
the phone calls we'll get at the department about how the
child is not attending the public or private schools that
have approval or accreditation requirements because of the
act of one parent. I would be more than happy to try to
answer any questions, if there are any.

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SENATOR RAIKES: Okay. Questions? Senator Stuhr has got one.

SENATOR STUHR: Yes, Brian, are there other instances though that only one signature is needed; only...you know, outside of the exempt issue, that you don't say or require both parents signing?

BRIAN HALSTEAD: I'm not aware of other circumstances where the Legislature happens to require both parents. I certainly can, for the purposes of enrolling in the public school or a private denominational or parochial school that meets either accreditation or approval requirements, you may be able to do that with one parent's signature. A school district may accept that in that regard, though I'm sure if you quiz the school district officials, they probably get in the middle of battles between disputing parents over custody issues and all of that. So in the sense of it may be possible, I know in this regard...and I know Mr. Lostroh can comment on this extensively because he was involved with this whole issue in the early 1980s, when, in fact, that was an issue. The public schools, there are accreditation standards. The private denominational and parochial schools can choose either accreditation or approval standards which the state sets. This process, the parents are choosing not to have their children enrolled in either one of those settings and having them exempt from a large oversight of the education process by the state of Nebraska, which is their right to do so. We can only assume the Legislature decided at that point, they wanted both parents on board with that type of a decision as opposed to the son is going to the public school, now he's going to the Catholic school, and the parents can resolve that because both of those schools are either going to be accredited or approved.

SENATOR STUHR: Are you aware that there are a number of states that only require...?

BRIAN HALSTEAD: I'm not aware of the other states and whether they require single signatures or not. Obviously, that's a policy decision this Legislature made back in the 1980s that's the policy question you have before you today.

SENATOR STUHR: Thank you.

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SENATOR RAIKES: Senator McDonald and then Senator Bourne.

SENATOR McDONALD: Do we know what the definition of parent is?

BRIAN HALSTEAD: The definition of parent?

SENATOR McDONALD: Does it specify the definition of a parent?

BRIAN HALSTEAD: Well, we would apply the common definition that you would find in any dictionary to a parent.

SENATOR McDONALD: But a parent can mean different things. You know, just like a father can mean different things, if you are biological father or if you are raising the father. There really is a lot of connotations to a parent. And, to me, if they are not helping raise the child and they are not physically there, to me they are not a parent. And so I think to define what a parent is, would mean all the difference in the world to this bill.

BRIAN HALSTEAD: Well, and obviously that is something the Legislature could further define if you think there is the need to it or the way the department has interpreted that isn't the way the Legislature meant it when they used "parents" or legal guardians in the statute.

SENATOR RAIKES: Senator Bourne.

SENATOR BOURNE: Just help me out with how this works, functionally.

BRIAN HALSTEAD: Okay.

SENATOR BOURNE: Mr. Lostroh listed three examples. You've got a father who is essentially a sperm donor and the mom has had no contact since the birth, so we know the kid's five. Mother and child are abandoned; no contact with the father; no idea where he is. The last one, the father is in prison, and thus not involved in the education, but the mom doesn't have a paper giving her sole custody. This application comes to the Department of Ed with Mom's signature only. You send it back. Is there any mechanism

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in the rules that the Department of Ed promulgated that basically allow her to, through whatever means, I don't know where the father is, haven't for five years, he's in prison, I can demonstrate that. I mean, there has got to be a mechanism to resolve these issues, isn't there?

BRIAN HALSTEAD: Senator, when the application comes in, if we find that it's not complete, we will most likely write back to the person, explaining what is not there. Now the particulars that he has given you, I'm not familiar with each one. The one where the father is incarcerated, I suspect if they can provide us documentation that shows Dad is in the Nebraska penal and correctional complex, we'll accept that. The sperm donor one, I'm not sure about that one, so I'm not sure whether that is going to show up on a birth certificate or not, I mean in the sense of you go to a clinic for sperm donation or whatever, as opposed to I had one-night stand with a gentleman and he's listed as the father on the birth certificate. I'm not sure how they are using that terminology, but that would be something we would ask more for. As you...I think he gave you the language from Rules 12 and 13 about...

SENATOR BOURNE: That's it...

BRIAN HALSTEAD: ..."not limited to," so we're going to ask for further explanation beyond that.

SENATOR BOURNE: These are applicable excerpts, so I didn't know if there was an out mechanism if the father is unlocatable, that then there is a default mechanism or something. I just... You're saying that's not in the regs (inaudible).

BRIAN HALSTEAD: It's not that specific, into the regs, trying to, as you can understand, trying to pick those all out.

SENATOR BOURNE: Have we had a situation where they have come back, said they are an absentee; we don't know where they are at? I mean, if we had a situation where somebody was with the Department of Ed, and said, no, you have to take them to the local school because you can't show that the father doesn't agree?

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BRIAN HALSTEAD: Well, first of all, Senator, they apply for the certificate of exempt status.

SENATOR BOURNE: Okay.

BRIAN HALSTEAD: So in the sense of we aren't going to send them back to the public school or tell them that, they are going to file the paperwork with us. If it meets the requirements, we will issue them the document that says, exempt school status.

SENATOR BOURNE: So you just don't issue the document.

BRIAN HALSTEAD: We wouldn't issue the document. There has been...I know one occasion where we did, in fact, issue the document to an applicant who had both a male's signature and a mother's signature, and when they provided us the birth certificate, the names on the birth certificate didn't match the names on the application, and it turned out that one of the individuals...I can't remember, the mother or the father...wasn't a custodial parent, at all, that signed the form, so.

SENATOR BOURNE: So you rescinded the certificate.

BRIAN HALSTEAD: We revoked it, yes.

SENATOR RAIKES: Okay, any other questions for Brian? Thank you, Brian. Any other neutral testimony on LB 1213? Senator Smith to close.

SENATOR SMITH: Thank you for your time today. When the issue was originally brought to me, I called around to other homeschooling parents, and said, what should we do here? I obviously didn't want to open a can of worms that ought not to be or have any unintended consequences. And so it was interesting in just my discussions with the folks who have been homeschooling for years. And they certainly thought that it was a bit burdensome to require both signatures because, to my knowledge, and it sounds like even the somewhat neutral testimony that was given, there is an acknowledgement of special treatment here, or extreme treatment, in requiring both signatures. And to use Mr. Halstead's own words, it's the parents' right to home educate. It's their right to do so. And I think that

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certainly this is well in line with the parental rights and responsibilities, and the parents certainly know best.

SENATOR RAIKES: Okay. Senator Bourne has got a question.

SENATOR BOURNE: Senator Smith, what if it was...if we left the statutory, the language alone...parents...however add a sentence or two that says they can swear out an affidavit or something that the other noncustodial parent is not locatable, or something along those lines?

SENATOR SMITH: That would be intriguing. I'm willing to discuss more ways to word this than what I've proposed. But I really think that we're talking about a host of possibilities. I mean, every situation within a court order is going to be different. I mean, this biological father lives out of state. I don't even know...I mean, they can locate him, and that's not a problem, but he is relatively uninvolved in the child's life, certainly as compared to the very highly involved mother.

SENATOR RAIKES: Okay. Any other questions? Senator Schrock has got one.

SENATOR SCHROCK: Yeah. Let's say the father is current on his child payments, and I know of situations where fathers have kind of been left out of the child rearing of their child because the mother has been hostile, but yet wants the child to go to a public school and the mother doesn't. And I understand if you had a deadbeat dad or a deadbeat mom, but if you don't have a deadbeat dad or a deadbeat mom that want to be involved, but for some reason or other are kind of shut out, I kind of wonder if I don't disagree with you on... Maybe two signatures should be required.

SENATOR SMITH: Well, there is certainly no gender-specific language.

SENATOR SCHROCK: Well, I'm not saying it is, but I'm just talking about where one of the parents, who, for whatever reason, didn't intend not being involved; didn't intend not to be a good parent, but for whatever reason is no longer there day-to-day, but still is doing the visitations and paying the child support and wants their child to go to public schools.

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SENATOR SMITH: Well, I think the decision should be deferred to the parent who is there on a day-to-day basis.

SENATOR SCHROCK: Maybe the deadbeat dad tried to get...or not the deadbeat...but the father tried to get custody but didn't. I've seen a lot of that happen too.

SENATOR SMITH: Um-hum. And I will tell you that I believe the statutes are biased against fathers--those fathers who are very attentive and for whatever reason the marriage or the relationship didn't work out. I think that's a broader public policy issue than what this situation addresses, in my opinion.

SENATOR RAIKES: Okay, thank you, Senator Smith. That will close the hearing on LB 1213, and we'll move to LB 1194, which is our committee's tech bill, and by way of explanation, I'll point out that I introduced the tech bill last year. And given the way that that turned out, we thought we would have the legal counsel introduce it this year.

LB 1194

TAMMY BARRY: I would have offered arm wrestling to get out of this, but (laugh) I would have lost. My name is Tammy Barry, and I am the legal counsel for the Education Committee; and I'm here to introduce LB 1194 which, as Senator Raikes said, is the tech bill for 2006. It is almost identical to the tech bill for 2005. It does not have the outright appeal dealing with Class V school districts. However, it does have one additional outright repeal for a fund that is no longer relevant. The funding for that stopped in the year 2000. It also incorporates the committee amendments from last year, which included a \$10 increase in the teaching certificates. And there are some changes in the transportation provisions due to changes that were adopted by the Legislature last year. The major provisions of the bill do include a \$10 increase in teacher certification fees. There is a removal of a public hearing requirement for environmental hazards and mold abatement and things like that, and it's actually a public hearing requirement for an estimate. There is a provision that

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would allow State Board of Education members to be candidates for state offices. There's a couple of places where the provisions are changed regarding contracting for the instruction of all the students and that is reduced from three years to two years in what is allowed. A new requirement would be that districts would have to reimburse parents if they live more than three miles from the pick-up point for transportation, and so that one is a change. There are also minor revisions dealing with exempt schools, student transportation residency, absent enrollment, school district reporting requirements, reorganization incentives, and educational service units. And the final thing that the technical bill does is it repeals the sections regarding the Diagnostic Resource Center in Cozad, which has been closed for a number of years now. I'll take any questions.

SENATOR RAIKES: Okay. Thank you. Tammy, questions? Senator Stuhr's got one.

SENATOR STUHR: Yes. Did we do a tech bill last year? I didn't quite catch that. I mean, did it advance?

TAMMY BARRY: Yes. There was a technical bill from last year that's on General File, but it has a controversial outright repeal in it. And so that was why a new bill was introduced this year.

SENATOR STUHR: Okay.

SENATOR BOURNE: It's coming clear now (laughter).

SENATOR STUHR: Thank you. Got to the bottom of it (laughter).

SENATOR RAIKES: Okay, any other questions? So, just to make sure here. What are the substantive changes in this proposal?

TAMMY BARRY: The substantive changes are fairly minor (laughter). There's a \$10 (laughter)...okay, I got that.

SENATOR RAIKES: We've got the fee.

TAMMY BARRY: There's a fee for the teaching certificates, and I would say that the other somewhat substantive change

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would be the move to allowing school districts to reimburse if the student has to travel more than three miles to a pick-up point for transportation.

SENATOR RAIKES: Okay. No other questions, thank you, Tammy. Proponents, LB 1194.

BRIAN HALSTEAD: Good afternoon, Senator Raikes, members of the Education Committee. For the record, my name is Brian Halstead, B-r-i-a-n Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education, and I think as legal counsel indicated to you, this is almost identical to LB 579 that's currently sitting on General File. It does not outright repeal a certain statute that appears to have caused some controversy that was included in last year's technical amendment bill. I would note this bill does include the outright repeal of Section 79-1072.01. I would note for you, you guys have already repealed that with LB 764 that the governor signed on February 6, so you don't need to do it twice if this bill were to be advanced or enacted. And I'd be more than happy to answer any questions you might have on the substantive technical changes that are in the bill.

SENATOR RAIKES: Okay, thank you, Brian. Questions? So we got one duplication on a repeal. Entry level certificates. What's an entry level certificate?

BRIAN HALSTEAD: That's the first certificate that you would get if you were graduating from college and going into teaching. And Rule 21, that's the initial teaching certificate. The fee for that, if it's an all-school certificate, is currently \$45. If for nonpublic schools only, it is \$35. We're increasing that by \$10. The last time this fee was increased was back in 1996 when the Legislature gave us the authority to do fingerprint background checks and raise the fee at that point. It has been modified since that time to deal with the professional practices portion of the fee because it originally was \$15 out of that \$45 fee went to the PBC. It was reduced to \$13 because they had excess revenue, and if I remember correctly, the Legislature took some of that excess revenue to help balance the budget a few years ago, so.

SENATOR RAIKES: Okay. So, the entry level certificate is

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being increased. How often do you have to get this renewed?

BRIAN HALSTEAD: If you get an initial teaching certificate, it's good for five years. And then you'll have to renew that based on either your employment experiences or college credit. The next level certificate up is the standard, which is good for seven years, and then the professional, if you have a master's degree or you've been employed for a certain period of time, that's good for ten years.

SENATOR RAIKES: So, are the fees going up on the other certificates as well?

BRIAN HALSTEAD: The fee is the same whether you're getting an initial, a standard, a professional, a substitute. They're all \$45.

SENATOR RAIKES: And they would all be increased to \$55?

BRIAN HALSTEAD: That would give the board the authority by regulation to make it \$55, yes.

SENATOR RAIKES: Okay. So you wouldn't be just increasing the initial?

BRIAN HALSTEAD: Most likely, the board would increase all of them to make it consistent across. That's what they've done in all past circumstances. We haven't priced out different fees. The fact that one certificate is good for five years and another is good for seven years, you pay the same amount of money. Actually, you get...if you're a ten-year certificate, you're only paying \$4.50 a year for your certificate as opposed to if it's a five-year certificate, you're paying \$7...I'll do the math later, something like that.

SENATOR RAIKES: Any other questions? Senator Stuhr's got one.

SENATOR STUHR: Yes, I do, about that March 15 deadline four option. It appears that notification...all right, oh. Okay, the March 15 deadline still stays?

BRIAN HALSTEAD: For option enrollment?

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SENATOR STUHR: Yes, yes, excuse me.

BRIAN HALSTEAD: Yes, we're not changing that, Senator.

SENATOR STUHR: All right. Automatic approval is removed, is the automatic approval. Evidently, that's what's being removed?

BRIAN HALSTEAD: Which page are you on, Senator, help me?

SENATOR STUHR: Section 79-237 in the summary. Do you have the summary?

BRIAN HALSTEAD: Oh, okay. Let me look at the exact language in the bill.

SENATOR STUHR: Third paragraph, second page.

BRIAN HALSTEAD: I think what we are doing here, with the option enrollment statutes, right now there are a couple of provisions in there. It says that you get another option when the option district merges. But it doesn't say, okay, when it merges, how soon do you have to file your option paperwork after that? And, actually, I think we even have had a pending case where someone was claiming three years after a merger that they should be able to get their next option again, and we're trying to put a time limit in there on that and to clarify out. If you're going to exercise your additional option you get, you got to do it within a certain time period. There's also language in the option enrollment statutes if a child relocates, they get another option. What we're saying is, you need to exercise that within 30 days after the merger or the relocation. You have that time period to get that done.

SENATOR STUHR: All right, thank you.

SENATOR RAIKES: Okay, any other questions? Thank you, Brian. Any other proponent testimony? Opponent testimony? Neutral testimony?

MITCH ROWLEY: Good afternoon, Senator Raikes, members of the Education Committee. My name is Mitch Rowley, R-o-w-l-e-y, with the Nebraska Catholic Conference, here to offer a couple of technical and nonsubstantive amendments to

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the department's technical and nonsubstantive bill. The first would be on page 3 of the bill, towards the bottom in line 19. They are striking the term, "home school" and replacing it with the term, "exempt school". And, generally, that would not concern us significantly, except for the fact that exempt school is not defined anywhere in the statutes. It is defined in department rules and regs to essentially mean a home school. But then it goes on to cross-reference Section 79-1601 to 79-1607, and there are provisions in 79-1601 that do apply to approved and accredited private, denominational, and parochial schools, of which we do represent. So, we would suggest that either the term exempt be defined in accordance with department rules and regs definitions or use the terminology that's in Section 79-1601 and the other statutes, which is along the lines of schools which elect not to meet according to station and approval requirements under the school laws. Just to eliminate any confusion about whether or not this provision does apply to all private schools or just those that are technically a home school type situation. The other section we would like to have you take a look at is on page 13, and it goes onto page 14 as well. But on page 13, line 11 and line 17 and page 14, lines 5 and 8, they use the term, this is not new language; this is existing statutory language. It refers to a private or parochial school, those lines. The standard wordage throughout the other sections of the education code are private, denominational, or parochial school. We would simply suggest that the word "denominational" be inserted in these sections as well, simply for consistency purposes. We don't think it would have any significant legal effect and not be there. But since the Legislature is presumed to use words sparingly and appropriately, it could raise a question as to why denominational is not in this section when it does show up in just about every other section it applies to private and parochial schools.

SENATOR RAIKES: Okay. Thank you, Mitch. Any questions for Mitch? Did we ever get that comma moved that you...?

MITCH ROWLEY: It is in this bill; it was in last year's bill. That did not advance beyond General File. It is in this draft as well, and we appreciate that. I wasn't going to mention that again, but thank you for bringing it up.

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SENATOR RAIKES: Okay, thank you. I see no other questions. Thank you for being here, Mitch. Any other neutral testimony on LB 1194? I think we'll waive the close, so that will conclude the hearing for this afternoon, including LB 1194. Thank you.